

**Ogden Dunes Plan Commission**

**Regular Meeting**

Town Meeting Room

Originally scheduled date January 26, 2012

February 22, 2012

7:00PM

**Members of the Ogden Dunes Plan Commission**

Greg DePorter, *Chairman*, 764-8994 ♦ Mike Falk, *Vice Chairman*, 764-4676 ♦ Al Johnson, *Secretary*, 762-5054  
♦ Jim Slawinski, 762-5681 ♦ Frank Stimson, 762-5215 ♦ Paul Panther, 762-8665

**Present:** MEMBERS –CHAIRMAN GREG DePORTER, PAUL PANTHER, FRANK STIMSON, MIKE FALK, JIM SLAWINSKI and ALLEN JOHNSON.

**Also Present:** Building Commissioner Ed Hewitt, Charlie Costanza, Nathan Gagliardi, Mark Coleman, Maryann Schaefer, Sandy Dvorscak and Jim Petsas.

1. Minutes of the November 17, 2011 meeting- On a motion by Stimson, seconded by Falk, the minutes as presented were approved.

2. 2a. Officer elections – After a short discussion, Stimson motioned to elect DePorter as Chairman, Johnson seconded. The motion passed unanimously.  
Stimson motioned that Falk be Vice-Chairman, seconded by Johnson. The motion passed.

Johnson declined to continue as Secretary. After a discussion, the position of secretary was tabled until the next meeting. Johnson did agree to take the minutes for this meeting.

- 2b Committee appointments – DePorter discussed that several presidential appointments to the BZA needed to be made. After expressing his desire to appoint himself to the BZA, he asked others about their desire to be appointed. None of the other members expressed any resistance to DePorter appointing himself and so it was done.

Jim Slawinski was appointed to the Building Code Review Committee.

DePorter discussed the need to make one appointment to the Architectural Review Committee. It was noted that this position should be filled by someone with building experience. Herb Craig and Mike Smith were brought up as having those kinds of credentials. After discussion, DePorter appointed Mike Smith to the Architectural Review Committee.

3. Correspondence – DePorter reported that the only correspondence that he was aware of was a letter from The Times asking about meeting dates. He indicated that he had given it to Donna and it was taken care of.
4. Building Commissioner Introduction and Commissioner's Report
  - A. and B. Year-End Report and on Going Reports – Hewitt reported that since taking over late last year he has been cleaning up old files and closing out old building permits. Attachment 4a(1) is his listing of 2008-2010 permits that needed follow up. As to permit 93 K 10, one is purged and one is still open.

- C. New Permits – Attachment 4a(2) is a list of permits issued since 11/18/11 and into early 2012.
- D. Other – generally, Hewitt said these lists do not include tree permits as they are not numbered when written. Hewitt discussed that he has been leaving door tags at places that he has tried to make contact with. DePorter discussed trying to help get a phone, camera and computer for Hewitt to help him do his job.

Hewitt reported on several properties:

27 Aspen - an architect has been hired

124 Shore Drive – An architect by the name of Tonio called to say the structure will be demolished and a new structure erected.

2 East Hill – issues have been resolved and building permits should be issued shortly.

4 Shore Drive – Hewitt has reviewed material for a building permit to be issued.

7 Locust Place – a permit had been issued for electrical work but it did not pass inspection. The house has no heat, etc.

Firehouse – the air sampling is now scheduled for 2/27. Hewitt and Craig have been on site several times.

Hillcrest Rd wall – the plans have just been received and they hope to ask for quotes soon.

Hewitt questioned how to handle situations of unpermitted work having been done.

After discovering it, how does the Plan Commission wish these situations be handled? A discussion followed and in one particular case a letter will go out to the owner and contractor.

Hewitt suggested that the building code be put on line. We discussed that after the recodification is complete that that will be on our agenda. Stimson discussed that we had also been working on a user-friendly guide to help homeowners get through the code and find answers to their questions.

#### 5. Ordinance Planning

- A. Building Code Review Committee Report – Stimson reported that, due to a lack of attendance, a meeting was not held.

#### 6. Update

- A. BZA Meeting - Stimson reported that, due to a lack of business, a meeting was not held.

#### 7. Old Business

- A. Problem Properties – Hewitt reported that he had found several responses to letters the Plan Commission had previously sent out: for 9 Deer Trail, 27 Aspen, 73 Shore Drive, 1 Ski Hill Court and 25 Hillcrest Rd.

Johnson searched the minutes of last fall and found copies of a half dozen letters sent out in regards to various problem properties. He made copies and gave them to Hewitt to follow up on.

- B. Public Outreach – DePorter/Hewitt - We discussed putting information on the Ogden Dunes TV channel and in the Ogden Dunes phone book. We discussed



8. New Business

- A. Signage – in regards to the anti-cull deer signs, DePorter stated that he and others have received a lot of complaints about the proliferation of these signs. DePorter said he feels the code is a bit silent on signs such as these. He has asked our town attorney for an opinion but has not yet received that information. DePorter has decided that no action will be taken at this time. Stimson reported that the current sign language was in response to issues in 2003 regarding realtor signs.
- B. Retaining Walls – Falk discussed that perhaps the Plan Commission should build a log, including pictures, of bad retaining walls and put them on our problem properties list.

9. Other Business - None

10. Public Comments -

Petsas spoke on several points.

Schaefer asked that a log of sign complaints be kept.

Costanza complained that a driveway drain was not installed during a recent bricking of the drive at 152 Shore Drive, as required by code. He stated that this was a double standard because he stated that the Plan Commission had put a hold on his bond due to a job he had done near the end of last year when he did not install a driveway drain as specified in the code. He stated that this hold should be taken off now. DePorter reviewed the facts of the job that Costanza had done and that a compromise had been reached with the homeowners and Costanza back in October. The Commission would watch the performance of the permeable pavers installed on that job into the month of May, 2012 to see if the system works. Costanza reiterated his complaints. The Commission indicated it would look at the job on Shore Drive that Costanza was complaining of and reply to Mr. Costanza about his complaint. Costanza stood up and continued with the same complaint. Member Stimson told Mr. Costanza to "sit down and shut up", to which Costanza replied with the expletive "F--- you, Frank". Chairman DePorter admonished both parties to maintain proper decorum and not use profanity.

With no other business, at 9:09 pm Falk motioned to adjourn the meeting and it was seconded by Stimson. The motion passed unanimously.

Immediately upon adjourning, Mr. Costanza requested several times to member Stimson that Stimson "come outside" and on the final occurrence added, "like a man". Hearing the commotion coming from the meeting room, two Ogden Dunes Police Officers entered the room as Mr. Costanza was exiting through the back door.

  
GREG DEPORTER, PRESIDENT

  
ALLEN JOHNSON, SECRETARY

The monthly agenda is prepared by the Plan Commission President 72 hours prior to each scheduled meeting. Please contact the President, with your requests for a place on the agenda. Building permit applicants who submit the required documents at least two weeks in advance of the meeting will automatically be placed on the agenda.